

REMARKS

This is in response to the Office Action mailed February 6, 2007. Claim 1 has been amended. Claims 1, 3-9 remain pending.

Rejections Under 35 U.S.C. § 112 First Paragraph

The Office Action has rejected claim 1 under 35 U.S.C. § 112 ¶ 1 as failing to comply with the written description requirement. Specifically, the Office Action states that the term “non-aerosol” is not supported by the specification. Applicants believe that there is support for the term “non-aerosol”, specifically in Figure 1 and page 7 of the application which states at line 7 that various types of foam dispenser that created foam without the use of gas propellants are available from Airspray N.V. of the Netherlands and their U.S. subsidiary Airspray International of Pompano Beach, Florida. Nevertheless, Applicants have deleted the word “non-aerosol” from claim 1 solely to advance prosecution. Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102(b) & 103(a)

The Office Action has rejected claims 1 and 3-9 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over McCue et al. Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to change the first line of the claim from “comprising” to “consisting of”. Applicants believe that this distinguishes the invention as claimed from the prior art of record. Accordingly, it is respectfully requested that this rejection be withdrawn. The Office Action has rejected claims 1 and 3-9 under 35 U.S.C. §103(a) as unpatentable over Matsuda in view of McCue et al. Applicants respectfully traverse this rejection. Applicants believe that the invention as claimed is distinguished from the prior art of record. Specifically,

Matsuda includes a viscosity modifier and specifically a fatty acid ethanolamide. Additionally, Matsuda includes other ingredients that are outside the Applicants' invention as claimed. Accordingly, it is respectfully requested that this rejection be withdrawn.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



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